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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,243	09/15/2003	Kurt F. Fischer	TRW(AP)6503	2383
7590 05/05/2005 TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P. 1111 LEADER BLDG. 526 SUPERIOR AVENUE CLEVELAND, OH 44114-1400			EXAMINER FLEMING, FAYE M	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,243	Applicant(s) FISCHER ET AL.	
	Examiner Faye M. Fleming	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-3 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryan (20040046376).

Ryan discloses an inflatable vehicle occupant protection device 18; a least one tether 30; an inflation fluid having two modes of operation wherein in the first mode of operation, the inflation fluid source is activated, in the second mode of operation, the inflation fluid source is activated to provide a second inflation fluid pressure in the inflatable vehicle occupant protection device higher than the first pressure, the tether remaining intact in response to the first inflation fluid pressure in the inflatable vehicle

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occupant protection device, the tether releasing in response to the second inflation fluid pressure in the inflatable vehicle occupant protection device. Ryan disclose dual stage igniters 72, 75, and an electronic circuitry 19. The device is made of fabric material and includes a back wall defining an opening and a front wall opposite the back wall, the front and back walls defining an interior chamber.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (20040046376) in view of Schenck, et al. (6,076,854).

Ryan teaches the claimed invention except for a vent.

Schenck teaches an airbag assembly comprising a vent, a single stage inflator 32, a vent opening 48 and an actuatable door 44, see col. 2-col. 3, line 58-line 22.

Based on the teachings of Schenck, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Ryan to include a vent to provide an airbag assembly that includes a variable gas inflator output.

5. Claims 10, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (20040046376) in view of Amamori (6,502,858).

Ryan teaches the claimed invention except for a tether having a first and second lengths.

Amamori teaches an airbag device having tethers comprising first and second lengths. The tether comprises a piece of elongate fabric material having first and second opposite facing surfaces and first and second terminal ends, as shown in the figures. The terminal end of the tether is fixed to a front wall and the second terminal end of the tether is fixed to a back wall of Amamori's airbag device. The tether includes a tear stitch and a plurality of tethers are coupled together with a single tear stitch as shown in figure 5. Based on the teachings of Amamori, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tethers of Ryan to have first and second lengths to accommodate the expansion of an airbag during deployment to a restricted shape.

Conclusion

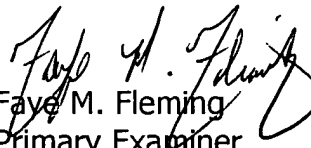
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
Art Unit 3616
05/02/05

fmf